

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, JANUARY 22, 2021

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APPLICATION OF

HERCULES ENERGY, LLC

CASE NO. PUR-2020-00282

Application to become an energy aggregator

ORDER FOR NOTICE AND COMMENT

On December 9, 2020, Hercules Energy, LLC ("Hercules" or "Company"), filed an application with the State Corporation Commission ("Commission") for a license to conduct business as an aggregator of electricity and natural gas services ("Application").<sup>1</sup> Hercules seeks authority to provide electric and natural gas aggregation services to eligible commercial, industrial, and residential customers throughout Virginia.<sup>2</sup> In its Application, Hercules attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40 B of the Commission's Rules Governing Retail Access to Competitive Energy Services.<sup>3</sup>

NOW THE COMMISSION, upon consideration of the Application, is of the opinion and finds that it should docket Hercules's Application; Hercules should serve this Order upon the

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<sup>1</sup> On January 7, 2021, the Company filed additional information to supplement its Application, which was deemed complete on January 15, 2021.

<sup>2</sup> Pursuant to § 56-577 of the Code of Virginia, retail choice for electricity is only permitted pursuant to the customer classes, load parameters, and renewable energy sources set forth therein, and exists only in the service territories of Virginia Electric and Power Company d/b/a Dominion Energy Virginia, Appalachian Power Company, and the electric cooperatives. Retail choice for natural gas service exists only in the service territories of Washington Gas Light Company and Columbia Gas of Virginia, Inc. Access to large commercial, industrial, and governmental gas customers in all gas distribution service territories has existed under Federal Energy Regulatory Commission authority since the mid-1980s.

<sup>3</sup> 20 VAC 5-312-10 *et seq.*

companies listed on Attachment A of this Order; Commission Staff ("Staff") shall conduct an investigation of the Application and present its findings in a report ("Staff Report"); and interested persons should have an opportunity to comment on the Application. We further find that a Hearing Examiner should be appointed to rule on all discovery matters that arise during the course of this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUR-2020-00282.

(2) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"),<sup>4</sup> a Hearing Examiner is appointed to rule on any discovery issues that may arise during the course of this proceeding.

(3) A copy of the Application may be viewed or downloaded from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

(4) On or before January 29, 2021, Hercules shall serve a copy of this Order upon the companies listed on Attachment A.<sup>5</sup>

(5) In accordance with the Commission's revised operating procedures during the COVID-19 emergency, all comments, pleadings, and documents shall be submitted electronically to the Clerk of the Commission to the extent authorized by the Commission's Rules of Practice.<sup>6</sup>

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<sup>4</sup> 5 VAC 5-20-10 *et seq.*

<sup>5</sup> See *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020).

<sup>6</sup> See *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020).

(6) On or before February 5, 2021, the Company shall file proof of service as ordered herein with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, or by filing electronically at [scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/).

(7) Any interested person may request a public copy of the Application, accompanying materials, and this Order by directing a request in writing to James Rosan, Owner, Hercules Energy, LLC, 5411 Market Street, Youngstown, Ohio 44512, [jrosan@herculesled.com](mailto:jrosan@herculesled.com). The Company shall, within three (3) days of receipt of such request, serve the requested documents upon the person making such request.

(8) Comments on the Application may be filed on or before February 12, 2021, with the Clerk of the Commission at: [scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments) or at the mailing address in Ordering Paragraph (6). A copy of such comments, whether submitted in writing or electronically, shall be served upon the Company at the email address set forth in Ordering Paragraph (7). Such comments simultaneously shall be sent electronically to Richard Michaux, Senior Utility Accountant, at [Richard.Michaux@scc.virginia.gov](mailto:Richard.Michaux@scc.virginia.gov). All comments shall refer to Case No. PUR-2020-00282.

(9) The Staff shall analyze Hercules's Application and shall present its findings in a Staff Report to be filed on or before February 19, 2021.

(10) On or before February 26, 2021, the Company and any party who filed comments on the Application may file with the Clerk of the Commission at, [scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/),

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(noting that all pleadings should be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150 of the Rules of Practice. Those seeking to hand deliver and physically file or submit a pleading or document to be filed in a case pending before the Commission must contact the Commission's Clerk's Office at (804) 371-9838 to arrange the delivery. Further, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents will be accepted but, due to the COVID-19 emergency, may not be processed for an indefinite period of time.).

any response to the Staff Report. If not filed electronically, an original and fifteen (15) copies of the response shall be filed with the Clerk of the Commission at the address in Ordering Paragraph (6).

(11) All documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(12) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via facsimile or electronic mail as well as by first class mail. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice.

(13) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to:  
James Rosan, Owner, Hercules Energy, LLC, 5411 Market Street, Youngstown, Ohio 44512, [jrosan@herculesled.com](mailto:jrosan@herculesled.com); C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424, [MBrowder@oag.state.va.us](mailto:MBrowder@oag.state.va.us).

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